

Pro Se 15 (Rev. 12/16) Complaint for Violation of Civil Rights (Non-Prisoner)

## UNITED STATES DISTRICT COURT

for the

District of \_\_\_\_\_

Division \_\_\_\_\_

Eric S. Smith

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Nicolas Gasparini

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Case No. \_\_\_\_\_

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☐ Yes ☐ No**RECEIVED**

APR 29 2022

THOMAS G BRUTON  
CLERK, U.S. DISTRICT COURT

## COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Non-Prisoner Complaint)

## NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Address

County

Telephone Number

E-Mail Address

Erich S. Smith  
 2024 Kishwaukee St,  
 Rockford IL 61104  
 City State Zip Code  
 Winnebago  
 224-2810-3124  
 dezahay1993@gmail.com

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

**Defendant No. 1**

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

Nicholas Gasparini  
 Mechesny Park Sheriff  
 300 Mechesny Rd  
 IL  
 City State Zip Code  
 Winnebago  
 815-877-5519

☐ Individual capacity ☐ Official capacity

**Defendant No. 2**

Name

Job or Title (if known)

Address

County

Telephone Number

E-Mail Address (if known)

City State Zip Code

☐ Individual capacity ☐ Official capacity

## Defendant No. 3

Name

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

☐

Individual capacity

☐

Official capacity

## Defendant No. 4

Name

Job or Title (if known)

Address

City

State

Zip Code

County

Telephone Number

E-Mail Address (if known)

☐

Individual capacity

☐

Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐Federal officials (a *Bivens* claim)☒

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.
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### III. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. Where did the events giving rise to your claim(s) occur?

The corner of Harlem and Northrock

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- B. What date and approximate time did the events giving rise to your claim(s) occur?

April 27, 2022 at 3:01

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- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)
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**IV. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

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**V. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

Pay me pain and suffering, mental & emotional abuse

**VI. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: \_\_\_\_\_

Signature of Plaintiff

Printed Name of Plaintiff

*Erich S. Smith*

*Erich S. Smith*

**B. For Attorneys**

Date of signing: *April 29, 2022*

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address



CCC: FBI

My name is Erich Smith today on April 27th I had the worst experience with a Mechesny Park Sheriff whos name was Gasparini. While driving to pick up my friend Tre' from work, I proceeded to drive down Rt. 251 and while driving an officer pulled up next to me. I looked at him and he looked at me and I kept driving and pulled upto Harlem St to make a left turn, bobbing my head and listening to my music. As I made my left turn onto Harlem the Officer who was in the lane to straight all of sudden got over into the turn lane and followed me. He went about 6 blocks and then he turned on his lights because I was turning Northrock St. anyway I just pulled over in front of the Juvenile facility.

Officer Gasparini walked up to the driver side window where I asked him "why did you pull me over" and then he proceeded to say because "the disability placard is a violation and impedes my vision". So he asked me for insurance and license and "I told him I have a valid license and insurance", but I don't have my license on me.". So as I'm looking for the insurance on my phone he asks me to step out of the car. I ask him why. He then tells me this has been flagged

for a fleeing and eluding case. I tell him "me and my roommate were just in an accident this is why I'm driving the rental". So now he asking me all kinds of questions the are irrelevant to the stop. Then he goes back to the car to call back-up and is still looking on his computer. My license is valid again and then I show the insurance card and he says this insurance is not for this car and "I tell him I was in an accident this is why I have the rental". I say all you have to do is call Enterprise on N. Alpine they will verify everything just call them. Now after searching me once already, officer Gasparini, asks me to step over to his car and put my hands on his car and I say "for what" at this time he has backup. His car was car 63, I didn't see the other officers # on his car. So then he proceeds to put hand cuffs on me and again I'm asking "why are you putting cuffs on me". He gave some lame excuse, while sitting in the car my friend Tre' walks up and is watching everything and the other officer starts to walk over to Tre' and ask him questions. At that time ~~the~~ Gasparini is calling Enterprise, the conversation was real quick. So he then lets me out of the car takes the cuffs off and says wait in the car and I'll get your warning - give my phone. He says we



stand there and wait and I said I will, so he gave me the warning ticket and I left.

The fact that I had to go through all of that for a traffic ticket he was wrong and I don't appreciate it. When he called Enterprise he talked to Justin Hughes and Justin told that the car had no cases on it, so after officer Gasparini found out that there was no fleeing and eluding case on the car he still continued to violate my rights and for this I want justice and I know this to be true because I talked to Justin myself and he told me out of his own mouth the soon as the officer asked was there any cases on that rental and Justin said no he hung up the phone. So officer Gasparini intentionally lied to detain me and cause mental anguish in order to racially profile me and break my constitutional rights. For these reasons I'm filing a complaint against Officer Gasparini and Mechesany Park Sheriff's Department for the poor training or lack thereof in this matter.

*Eric Smith*

